

Serial No. 10/023,099

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of	: Frank Himmelsbach et al	) Docket No.:	5/1310
Serial No.	: 10/023,099	) Art Unit:	1624
Filed	: December 17, 2001	) Examiner:	Truong, Tamthom Ngo
For	: Quinazoline Derivatives and Pharmaceutical Compositions Containing Them	) Confirmation No.:	2352

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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NOV 08 2004

**PETITION UNDER 37 C.F.R. §1.313(c)(2)**


**OFFICE OF PETITIONS**

Sir:

Applicants hereby petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from Issue for the purpose of filing a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The RCE is being filed in order to amend the claims. The RCE and Amendment papers are being filed concurrently herewith by facsimile.

The fee for this Petition is \$130.00 under 37 CFR 1.17(h). The Commissioner is hereby authorized to charge this and any other fee required for this Petition to Deposit Account No. 02-2955. Applicants also request a refund of the paid issue fee if such refund is authorized, with the funds to be credited to the above noted Deposit Account.

Respectfully submitted,



Susan K. Pocchiari  
Attorney for Applicant(s)  
Reg. No. 45,016

Patent Department  
Boehringer Ingelheim Corp.  
900 Ridgebury Road  
P.O. Box 368  
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Tel.: (203) 798-4866  
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Date: November 8, 2004

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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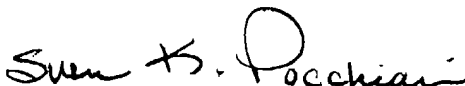
**Certificate of Transmission under 37 CFR 1.8**

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Signature

Susan K. Pocchiari

Typed or printed name of person signing Certificate

45,016

Registration Number, if applicable

203-798-5648

Telephone Number

Application of : Frank Himmelsbach et al

Serial No. : 10/023,099

Filed : December 17, 2001

For : Quinazoline Derivatives and Pharmaceutical Compositions Containing Them

) Art Unit: 1624

) Examiner: Truong, Tamthom Ngo

) Docket No.: 5/1310

) Confirmation No.: 2352

**Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.**

The following papers are transmitted herewith:

- |  |           |
|--|-----------|
| 1. Fee Transmittal, in triplicate                              | (3 pages) |
| 2. Petition under 37 CFR 1.313(c)(2)                           | (1 page)  |
| 3. Request for Continued Examination Transmittal, in duplicate | (2 pages) |
| 4. Amendment   | (8 pages) |
| Total No. of pages including cover:                            | 15        |

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 920.00**Complete if Known**

Application Number	10/023,099
Filing Date	December 17, 2001
First Named Inventor	Himmelsbach, Frank et al.
Examiner Name	Truong, Tamthom Ngo
Art Unit	1624
Attorney Docket No.	5/1310

**FAX RECEIVED****METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

02-2955

Boehringer Ingelheim Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1006 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X 18.00	
Multiple Dependent	-3** =	X 88.00	
		300.00	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	790.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)

920.00

**SUBMITTED BY**

Name (Print/Type)	Susan K. Pocchiarri
Signature	<i>Susan K. Pocchiarri</i>

Registration No. (Attorney/Agent)	45,016
--------------------------------------	--------

(Complete if applicable)

Telephone 203-798-5648

Date November 8, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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# TRIPLICATE

PTO/SB/17 (10-04)

Approved for use through 07/31/2006, OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 920.00)

## Complete if Known

Application Number	10/023,099
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First Named Inventor	Himmelsbach, Frank et al.
Examiner Name	Truong, Tamthom Ngo
Art Unit	1624
Attorney Docket No.	5/1310

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

02-2955

Boehringer Ingelheim Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X	18.00	=	
Multiple Dependent		-3** =		X	88.00	=	
					300.00	=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or cover sheet	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
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1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
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Other fee (specify)

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SUBTOTAL (3) (\$ 920.00)

## SUBMITTED BY

Name (Print/Type)	Susan K. Pocchiarri	Registration No. (Attorney/Agent)	45,016	Telephone	203-798-5648
Signature	Susan K. Pocchiarri	Date	November 8, 2004		

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